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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,871	11/16/2006	Lars Dohse	20496-491	2028
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PROSKAUER ROSE LLP One International Place Boston, MA 02110				
EXAMINER				
ISLAM, SYED A				
ART UNIT		PAPER NUMBER		
3611				
NOTIFICATION DATE		DELIVERY MODE		
01/04/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/551,871

Applicant(s)

DOHSE ET AL.

Examiner

SYED A. ISLAM

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11, 13-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11, 13-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract contains the phrase "means for", "the invention" and "the invention comprises". Appropriate correction is needed.

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 24, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Seawright (6,644,694).

Regarding claims 1, 24, 27 and 28, Seawright discloses means for fastening, securing or clamping goods or for securing a person, a strap **72** and an information medium **60** permanently and rigidly connected to said strap, wherein only a portion of the information medium is connected directly to the strap, wherein the information medium **60** consists of at least one identification medium **40**, and insert **61**, different from the at least one identification medium, having high tear strength, and a protective casing **62**; which surrounds the at least one identification medium and the insert having high tear strength; wherein the at least one identification medium, the insert, and the protective casing are joined to form a durable unit with a multilayered structure, wherein the at least one identification medium, the insert, and the protective casing are permanently joined to form the durable unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-11, 13-16, 18-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (5,581,924) in view of Liener Chin et al. (6,632,042).

Regarding claims 1, 4-6, 9-11, 13-16, 18-21 and 23-26, Peterson disclose means for fastening, securing or clamping goods or for securing a person, a strap **12** and an information medium **14** permanently and rigidly connected to said strap, wherein only a

portion of the information medium is connected directly to the strap, wherein the information medium **14** consists of at least one identification medium **46**; wherein the strap for fastening is rigidly connected to the information medium **14**; wherein the strap for fastening, securing or clamping goods or person is glued and/or riveted to the information medium, wherein the identification medium is readable, wherein the identification medium is machine-readable, wherein only a portion (**see figure 1**) of the information medium is connected directly to the fastening or clamping means **38**, wherein the identification medium is a label provided with information, wherein the strap for fastening, securing or clamping goods or person is a load strap, support strap, tie member, rope, or safety harness, wherein the strap for fastening, securing or clamping goods or a person comprises a multiple sections connected by a web (see figure 1).

However, Peterson fail to disclose an insert having high tear strength and a protective casing; wherein the insert is strip-shaped; the insert acts on both sides as a carrier of identification media; wherein the identification medium is rigidly connected, especially sewn and/or riveted and/or glued, to the insert; wherein the identification medium is carried by the insert; and a protective casing; wherein the protective casing is a tube or a film; wherein the protective casing is made of plastics material, especially of polyethylene (PE) or of polyvinyl chloride (PVC); wherein the protective casing is transparent, which surrounds at least the identification medium; wherein the at least one identification medium is covered by a protective layer; wherein the protective layer is a flexible plastics material; wherein all layers of the information medium are surrounded by the protective casing, wherein the protective casing is made of a UV-resistant

material, wherein the at least one identification medium, the insert, and the protective casing are joined to form a durable unit with a multilayer structure.

Instead, Liener Chin et al. discloses an insert 908 (col. 11, line 45; see fig. 23) having high tear strength and a protective casing 910; wherein the insert is strip-shaped; the insert acts on both sides as a carrier of identification media (see fig. 22); wherein the identification medium 904 (col. 11, line 45; see fig. 23) is rigidly connected, especially sewn and/or riveted and/or glued, to the insert; wherein the identification medium is carried by the insert, and a protective casing 910 (col. 11, line 57; see fig. 23); wherein the protective casing is a tube or a film; wherein the protective casing is made of plastics material, especially of polyethylene (PE) or of polyvinyl chloride (PVC) (col. 12, lines 40-50); wherein the protective casing is transparent (see fig. 24), which surrounds at least the identification medium (see fig. 24); wherein the at least one identification medium is covered by a protective layer 910 (see fig. 24); wherein the protective layer is a flexible plastics material; wherein all layers of the information medium are surrounded by the protective casing, wherein the protective casing is made of a UV-resistant material wherein the at least one identification medium, the insert, and the protective casing are joined to form a durable unit with a multilayer structure. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Liener Chin et al. in the invention of Peterson because it is simple and inexpensive to manufacture.

Regarding claim 3, Peterson fail to disclose the means for fastening is sewn to the information medium, glued and/or riveted to the information medium. However,

Peterson discloses the means for fastening are rigidly connected and also modification of this are apparent to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to sew or glue or rivet the information medium to the means for fastening because it is simple and inexpensive.

Regarding claims 7 and 8, Peterson fail to disclose the insert has a higher tear strength than the identification medium; wherein the insert consists of a technical textile, especially a fabric. Liener Chin et al. disclose of an insert but fails to disclose the insert has a higher tear strength than the identification medium; wherein the insert consists of a technical textile, especially a fabric. However, Liener Chin et al. disclose any modification regarding size, shape and material of the insert are apparent to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use a fabric because it is simple and inexpensive.

Regarding claim 21, Peterson fail to disclose the flexible plastics material is a silicone or polyurethane. However, Peterson discloses the flexible plastics material is a PVC but any modification regarding the material are apparent to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use any material as desired since it is simple and inexpensive.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Liener Chen et al. as applied to claim 1 above, and further in view of Larsen (4,773,175).

Regarding claim 17, Peterson as modified fails to disclose the identification medium is a transponder. However, Larsen discloses the identification medium 140 (col. 9, line 37; see fig. 14) is a transponder 180 (col. 9, line 37; see fig. 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Larsen in the invention of Peterson because it is simple and inexpensive.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED A. ISLAM whose telephone number is (571)272-7768. The examiner can normally be reached on Monday-Friday 11am-9pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. I./
Examiner, Art Unit 3611

/Joanne Silbermann/
Primary Examiner, Art Unit 3611